

**CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

## TITLE OF CASE

## ATTORNEYS

THE UNITED STATES

vs.

MICHAEL JAMES O'BRIEN, (32) Jail

Defendant.

For U. S.:

Hubert H. Bryant  
Asst. U.S. Atty.

For Defendant:

Allen E. Barrow Jr.  
Mid-Contt. Bldg.Art Fleak (revocation)  
111 W. 5th, Suite 800  
Tulsa 74103 (599-9125)

605 Erving  
Y.M.C.A.  
Dallas, Texas (or)  
Bus. 7119 Greenville Ave.  
Dallas, Tex.

| STATISTICAL RECORD               | COSTS      | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
|----------------------------------|------------|------|---------------------|------|-------|
| J.S. 2 mailed 6-1-74             | Clerk      |      |                     |      |       |
| J.S. 3 mailed 12-1-74            | Marshal    |      |                     |      |       |
| Violation N.S.P.A.               | Docket fee |      |                     |      |       |
| Title 18                         |            |      |                     |      |       |
| Sec. 2314                        |            |      |                     |      |       |
| (3 Cts.: \$10,000. &/or 10 Yrs.) |            |      |                     |      |       |

| DATE    | PROCEEDINGS   |
|---------|---|
| 4-3-74  | Indictment, filed in open court. v  |
| 4-3-74  | Record vote of the Grand Jury, filed in open court. v   |
| 4-3-74  | Warrant for arrest of deft. issued at request of U.S. Atty. v   |
| 5-8-74  | Return on Warrant of Arrest of Deft. Executed 4-22-74, at Charleston, South Carolina, filed. v  |
| 6-18-74 | Case called for Arraignment and plea. Deft. present and represented. Defendant is advised of charge, Arraigned and enters a plea of NOT GUILTY as to each of the Three Counts. Counsel for the deft. requests Psychiatric evaluation to aid him in the defense of the deft. Formal Order to be prepared. (AEB-J)s |
| 6-20-74 | Order for Psychiatric Examination, filed.s  |
| 6-25-74 | Warrant of Removal on Indictment and Waiver of Removal Hearing, with Deft. consenting to be removed to the N.D. of OK, filed. Pleadings received from the District of South Carolina. v   |
| 10-3-74 | Case set for competency hearing for 9 a.m., 10/7/74 before Judge Joseph W. Morris. (FD for AEB-J)rm - notices mailed  |

| DATE     | PROCEEDINGS   |
|----------|---|
| 10-7-74  | Case called for Competency hearing. Deft. present & represented. Govt. represented. Deft. acknowledges receipt of copy of Psychiatric examination report. Ct. States for record that it is agreed by both parties that record & report from psychiatric examination may go into record. Deft. states he does not wish to have psychiatrist testify. Deft. acknowledges receipt of Indictment. Indict. read; Deft. advised of charge. Deft. arraigned & enters plea of NOT GUILTY as to each of Cts. 1,2 & 3. Deft given 10 days to file motions. Case set for next jury docket.(JWM for AEB-J)b |
| 10-9-74  | MO: Case set for Jury Trial on 11-13-74 at 9:30 a.m. (AEB-J)k notices mld.  |
| 10-17-74 | Return on U.S. Marshals service, Order for Psychiatric Examination, filed. Executed by delivering deft. to FCI at Fort Worth, Texas, on 7-15-74. k  |
| 10-29-74 | Motion to Permit Withdrawal of Plea of Not Guilty, filed. v <i>copy to Jura</i>   |
| 10-29-74 | Affidavit in support, filed. v  |
| 10-30-74 | Motion for Reduction of Bond, filed. lm <i>copy to Kame &amp; K. Herbert Bryant</i>   |
| 10-31-74 | Order allowing reduction of bond, filed.(CSB-Mag.) b  |
| 10-31-74 | Appearance Bond \$5,000 (10% cash deposit), filed, with Order Specifying Methods & Conditions of Release, filed. b  |
| 11-1-74  | Order (additional travel conditions) (USM-CB) filed. js <i>copies mailed to atty</i>  |
| 11-13-74 | Case called for jury trial. Deft. present & represented. Govt. represented. Deft. withdraws plea of not guilty and enters plea of GUILTY. Waiver of jury signed and filed in open court. Deft. adjudged GUILTY as charged. Sentencing set for 11-26-74, at 10:00 A.M. Deft. allowed to remain on present Bond.(AEB-J)b  |
| 11-26-74 | Sentencing on case continued to 11-27-74, at 1:30 P.M. b  |
| 11-27-74 | Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & counsel asked if they have anything else to say before sentence is pronounced.  |
|          | JUDGMENT & COMMITMENT - MICHAEL JAMES O'BRIEN   |
|          | Ct. 1 - Sentenced to the custody of Atty. Gen. pursuant to Y.C.A. as provided in T. 18, USC 5010(b). Execution of sentence deferred and Deft. is to present himself to U.S. Marshal to 10:00 A.M., on 12-9-74.  |
|          | Ct. 2 - Imposition of sentence suspended and Deft. is placed on probation for period of 2 years pursuant to YCA as provided in 5010(a), conditions of probation being that (1) deft. seek psychiatric treatment; (2) earn GED certificate; (3) make restitution to 3 known creditors within 18 months after probation begins & notify Court to whom paid and when paid.   |
|          | Ct. 3 - Imposition of sentence suspended & Deft. is placed on probation for period of 2 yrs., to run concurrently with sentence imposed in Ct. 2.   |
|          | It is recommended by the Court that Deft. be placed in minimum security at prison in Fort Worth/Dallas area.(AEB-J)b  |
| 11-27-74 | Judgment & Commitment, filed and entered.(AEB-J)b   |
| 11-27-74 | 2 c/c of J&C to USM. b  |
| 12-11-74 | Order, filed, that bond of Deft. O'Brien is exonerated and the Clerk shall refund cash bond in the amount of \$500.00. (AEB-J)v <i>copies mld.</i>  |

D. C. 109A  
CRIMINAL DOCKET Sheet No. 2

Cook

| DATE        | PROCEEDINGS  |
|-------------|--|
| 12-30-74    | Return on J & C, filed. Delivered deft. on 12-9-74 to Tulsa County Jail, Tulsa, Oklahoma; delivered deft. to Fed. Correct. Ins. at Segoville, TX, on 12-18-74. k   |
| <u>1981</u> |  |
| 1-23        | PETITION & ORDER for the issuance of a warrant for the arrest of deft. (HDC-J) w/i nd  |
| <u>1982</u> |  |
| 4-7         | RETURN on W/A by arresting deft, Michael J. O'Brien 3-25-82. jc  |
| 7-6         | MAGISTRATE papers recd. from SD, N.Y. Deft. waived removal hrg. & remanded to USM for removal. rm  |
| 7-14        | MO: REVOCATION HRG. set Fri., 7/16/82 at 3 p.m. (HDC-J) rm   |
| 7-15        | MAG. papers added to file, incl. info sheet, waiver of counsel, appt. voucher for Art Fleak. rm  |
| 7-15        | RETURN on Mag. commitment, S.D., N.Y. Deft. in Tulsa Co. jail. rm  |
| 7-15        | WAIVER of prel. hrg. by deft. rm   |
| 7-16        | CASE called for Rev. hrg. Rod Baker, USPO, advises of alleged violations. Deft. req. addl. time to investigate. Hrg. reset for 7/26/82 at 1 p.m. Deft. reman-ed to USM. Deft. to file written response to Petition by 7/22/82. (HDC-J) (V.Mickey-cr) rm  |
| 7-21        | SUPPLEMENTAL info to petition for issuance of warrant. a   |
| 7-26        | CONTD. REVOCATION hrg. Deft. ack. violations. Evid. hrg. waived. Ct. revokes prob. Deft. sentenced to custody of A.G. for 13 months as to Cts. 2 & 3; Ct. 3 to run concurrent w/Ct. 2, pursuant to 18 USC 4205(b)(2) Further, time spent in custody on this revocation shall be counted in sentence imposed herein. (HDC-J) (V.Mickey-cr) rm |
| 7-26        | ORDER OF REVOCATION entered. (HDC-J) rm-c/m counsel, USM, USP  |

| DATE | PROCEEDINGS |
|------|-------------|
|      |             |